

ANN BAVENDER*
ANNE GOODWIN CRUMP*
VINCENT J. CURTIS, JR.
PAUL J. FELDMAN*
ERIC FISHMAN*
RICHARD HILDRETH
EDWARD W. HUMMERS, JR.
FRANK R. JAZZO
CHARLES H. KENNEDY*
KATHRYN A. KLEIMAN
BARRY LAMBERGMAN
PATRICIA A. MAHONEY
M. VERONICA PASTOR*
GEORGE PETRUTSAS
LEONARD R. RAISH
JAMES P. RILEY
MARVIN ROSENBERG
KATHLEEN VICTORY*
HOWARD M. WEISS
*NOT ADMITTED IN VIRGINIA

FLETCHER, HEALD & HILDRETH

ATTORNEYS AT LAW

11th FLOOR, 1300 NORTH 17th STREET

ROSSLYN, VIRGINIA 22209

P. O. BOX 33847

WASHINGTON, D.C. 20033-0847

(703) 812-0400

TELECOPIER

(703) 812-0486

ROBERT L. HEALD
(1956-1983)
PAUL D.P. SPEARMAN
(1936-1982)
FRANK ROBERSON
(1936-1981)

RETIRED
RUSSELL ROWELL
EDWARD F. KENEHAN
FRANK U. FLETCHER

OF COUNSEL
EDWARD A. CAINE*

WRITER'S NUMBER
(703) 812-

0471

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JUN 2 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

June 2, 1994

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

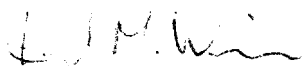
Re: Gulf Communications Partnership
MM Docket 93-136
RM-8161

Dear Mr. Caton:

Transmitted herewith on behalf of Gulf Communications Partnership, permittee of Station WAAD(FM), Tice, Florida, are an original and four copies of its "Response to Joint Opposition to Motion for Leave to File Comments" in the above-captioned rule making proceeding.

Should any questions arise concerning this matter, please communicate with the undersigned.

Very truly yours,


Howard M. Weiss
Counsel for
Gulf Communications Partnership

HMW/bi
Enclosure

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

JUN 2 1994
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

MM Docket 93-136
RM-8161

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Key Largo, Key Colony Beach,
Marathon, Florida)

To: Chief, Allocations Branch

RESPONSE TO JOINT OPPOSITION TO MOTION FOR LEAVE TO FILE COMMENTS

Gulf Communications Partnership ("Gulf"), permittee of Station WAAD(FM), Tice, Florida, by its counsel, hereby respectfully responds to the Joint Opposition filed by Okeechobee Broadcasters, Inc., licensee of WOKC-FM, Okeechobee, Florida, WSUV, Inc., licensee of WROC-FM, Fort Myers Villas, Florida, and Jupiter Broadcasting Corporation, permittee of WADY-FM, Jupiter, Florida (collectively "Commenters"). Gulf states as follows:

1. Commenters oppose on procedural grounds Gulf's motion for leave to submit an alternative channel for a Key Colony Beach, Florida, permittee (WKKB). Their objection is motivated by their concern that the channel proposed by Gulf for Key Colony Beach had apparently already been utilized by Commenters in connection with an omnibus compromise proposal submitted in reply comments in August 1993. Unfortunately, however, because Commenters' proposal was filed late and offered only as a

suggestion for an upgrade accommodation for a Marathon station, it never found its way into the Commission's database. As a result, Gulf was unaware of the conflict between its proposal and Commenters' proposal until it received their pleading.

2. In filing its motion, Gulf did not seek to become a party in the instant proceeding or to delay it in any fashion. Gulf's pleading was not in a strict sense intended as a mutually exclusive counterproposal to the proposals made in the instant docket. Rather, Gulf sought to put the Commission and the parties herein on notice of its Tice proposal, which Gulf understood only indirectly impacted on the Key Largo proposals and could easily be reconciled with all of them. Gulf hoped thereby to attempt to avoid delay and the necessity of twice changing the Key Colony Beach station's channel, which would not serve any public or private interest. Gulf will not debate with Commenters the procedural equities of a party who objects to concededly late-filed comments which conflict with its own late-filed channel proposal.

3. Instead, Gulf endorses the revised compromise proposal for Key Colony Beach specified in Commenters' Joint Opposition, namely to allot Channel 267C2 to Key Colony Beach. As explained in the attached Technical Exhibit prepared by Gulf's consultant, that channel would fit at WKKB's proposed site, meet all

Commission spacing requirements, and would not impact on any other facility or any other proposal in the instant docket. Adoption of this compromise would expedite the initiation of improved service to the communities at issue and harm no party. Gulf is filing under separate cover in the Tice rulemaking an amendment to its petition for rulemaking to incorporate this approach. Gulf urges the Commission to adopt this alternative, now endorsed by parties in both the Key Largo and Tice rule makings.

Respectfully submitted,

GULF COMMUNICATIONS PARTNERSHIP

By: 

Howard M. Weiss

FLETCHER, HEALD & HILDRETH
1300 North 17th Street
11th Floor
Rosslyn, Virginia 22209
(703) 812-0400

June 2, 1994

CERTIFICATE OF SERVICE

I, Rebecca Ingham, a secretary in the law firm of Fletcher, Heald and Hildreth, do hereby certify that true copies of the foregoing "Response to Joint Opposition to Motion for Leave to File Comments" were sent this 2nd day of June, 1994, by postage paid first-class United States mail to the following:

John Carrousas *
Acting Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., Room 8322
Washington, D.C. 20554

Ms. Nancy J. Walls *
Communications Industry Analyst
Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., Room 8322
Washington, D.C. 20554

Robert J. Rini, Esq.
Evan D. Carb, Esq.
Rini & Coran, P.C.
1350 Connecticut Avenue N.W.
Suite 900
Washington, D.C. 20036
Counsel to Okeechobee Broadcasting Inc., Sunshine
Broadcasting, Inc. and Jupiter Broadcasting
Corporation

William J. Silva, Esq.
Blair, Joyce & Silva
1825 K Street, N.W., Suite 510
Washington, D.C. 20006
Counsel to Richard I. Silva

John Joseph McVeigh, Esq.
Fisher Wayland Cooper and Leader
1255 23rd Street, N.W., Suite 800
Washington, D.C. 20037-1125
Counsel to Key Chair, Inc.

*Via Hand Delivery

James M. Weitzman
Kay Scholer Fierman Hays & Handler
The McPherson Building
901 15th Street, N.W., Suite 1100
Washington, D.C. 20005-2327
Counsel to Spanish Broadcasting System of Florida


Mr. Charles Russell
Florida Keys Electric Cooperative Assn., Inc.
P.O. Box 377
91605 Overseas Highway
Tavernier, Florida 33070

Ms. Mary Key Reich
Commissioner
Plantation Key Government Center
88820 Overseas Highway
Tavernier, Florida 33070

John M. Pelkey
Haley Bader & Potts
4350 N. Fairfax Drive
Suite 900
Arlington, Virginia 22203-1633
Counsel to Vero Beach FM Radio Partnership

Donald E. Ward
Law Offices of Donald E. Ward
1201 Pennsylvania Avenue, N.W.
4th Floor
Washington, D.C. 20004
Counsel to Sterling Communications Corporation

Gary S. Smithwick
Smithwick & Belendiuk, P.C.
1990 M Street, N.W.
Suite 510
Washington, D.C. 20036
Counsel to Naples Broadcasting Corporation


Rebecca Ingham

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

FURTHER SUPPLEMENTAL COMMENTS
MM DOCKET #93-136
GULF COMMUNICATIONS PARTNERSHIP
TICE, FLORIDA
June 1994

TECHNICAL EXHIBIT

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FURTHER SUPPLEMENTAL COMMENTS
MM DOCKET #93-136
GULF COMMUNICATIONS PARTNERSHIP
TICE, FLORIDA
June 1994

TECHNICAL STATEMENT

This Technical Statement and attached exhibits were prepared on behalf of Gulf Communications Partnership ("Gulf"), permittee of station WAAD, Channel 229A, Tice, Florida. Gulf is filing supplemental comments in MM Docket #93-136. Gulf, in a separate proceeding, requested, among other changes to the Table of Allotments, substitution of Channel 237C2 for Channel 288C2 at Key Colony Beach, Florida. In the scope of MM Docket #93-136, one of the proposals is the requested substitution of Channel 280C2 for Channel 288C2 at Key Colony Beach.

As previously shown, the existing Channel 288C2 Key Colony Beach allocation does not conflict with the changes sought by Gulf. The allotment of Channel 280C2 to Key Colony Beach, as requested in MM Docket #93-136, would preclude the upgrade and subsequent substitutions which Gulf is seeking. Therefore, in its proposal, Gulf requested Channel 237C2, rather than Channel 280C2, be substituted for Channel 288C2. It has come to Gulf's attention that several parties in MM Docket #93-136 filed joint reply comments, suggesting the use of Channel 237C2 as an

alternate channel for Marathon, Florida, in lieu of Channel 288C2. Gulf's proposed use of Channel 237C2 would conflict with this joint proposal. In order to eliminate any conflict with the proposals being considered in MM Docket #93-136, Gulf proposes an alternate channel for Key Colony Beach, Florida. As shown on the attached Exhibit #1, Channel 267C2 can be substituted for Channel 288C2 at Key Colony Beach, Florida, at the authorized WKKB site without impacting any other facility or any of the requests in this instant docket. Further, the channel meets all of the Commission's minimum distance separation requirements to all licensed, applied for or proposed facilities.

The foregoing technical statement was prepared on behalf of Gulf Communications Partnership by Graham Brock, Inc., its Technical Consultants. All of the information contained herein is true and accurate to the best of our belief and knowledge. FM data noted in these comments was extracted from the NTIA database, updated on March 27, 1994. We assume no liability for errors or omissions in that database which may be adverse to the proposals set forth herein.

ALLOCATION STUDY FOR KEY COLONY BEACH, FLORIDA
USING WKKB CONSTRUCTION PERMIT SITE AS REFERENCE

REFERENCE	CLASS C2	DISPLAY DATES
24 42 25 N		DATA 03-27-94
81 06 17 W	Current rules spacings	SEARCH 05-20-94
----- CHANNEL 267 -101.3 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
AD267	267C2	Key Colony Beach	FL	0.0	0.00	190.0	-190.00
AD	24 42 25	81 06 17	0.000 kW	OM	0.0	118.1	
Gulf Communications Partnership							
WLYF	268C1	Miami	FL	32.8	165.94	158.0	7.94
LI CN	25 57 59	80 12 44	100.000 kW	247M	103.1	98.2	
Jefferson-Pilot Broadcasting				BLH-5032			
WAVV	266C1	Marco	FL	343.8	170.18	158.0	12.18
LI CN	26 10 57	81 34 32	100.000 kW	299M	105.8	98.2	
Alpine Broadcasting Corporation				BLH-870603KA			
WHYI	264C	Fort Lauderdale	FL	32.9	166.11	105.0	61.11
LI DCN	25 57 59	80 12 33	100.000 kW	307M	103.2	65.3	
Metroplex Communications, Inc				BLH-850322LB			

ALLOCATION STUDY CHANNEL 267C2

EXHIBIT #1
SUPPLEMENTAL COMMENTS
MM DOCKET #93-136
GULF COMM. PARTNERSHIP
TICE, FLORIDA

June 1994

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

State of Georgia)
St. Simons Island) ss:
County of Glynn)

JEFFERSON G. BROCK, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by Gulf Communications Partnership, permittee of Radio Station WAAD, to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

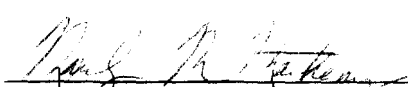
The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 1st day of June, 1994



JEFFERSON G. BROCK
Affiant

Sworn to and subscribed before me
this the 1st day of June, 1994



Notary Public, State of Georgia
My Commission Expires: September 8, 1995